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131026Z Apr 06

UNCLAS SECTION 01 OF 03 PARIS 002439

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SUBJECT: FRENCH SENATE VOTES BIOTECH BILL

REF: PARIS 506

1. (SBU) Summary: On March 21, 22 and 23, the French Senate debated and approved a Biotech Bill presented by the Minister of Research, Francois Goulard. Significant outcomes from the debate included: further definition of the new French Biotech Council charged with evaluating and authorizing biotech products and expansion of its communication function; support for proposed coexistence measures including no-fault liability and a compensation pool; and rejection of amendments proposing the creation of GMO free regions. The final text voted by the Senate will be sent to the National Assembly in mid May. If the National Assembly adopts the same version a final law could be ready before the Parliamentary summer recess. Any changes made by the National Assembly would require additional readings which could delay the final law until fall. End Summary.

2. (U) As indicated in reftel, the Biotech Bill is France's transposition of EU Directives 1988/81 and 2001/18 (regulating the authorization of GMOs for confined use and for their release into the environment) into French law. It further streamlines the French regulation of GMOs and introduces new rules on GM and conventional crop coexistence.

3. (U) Opponents to the Bill, including most Socialist, Communist and Green Senators, resent the way that heavy penalties for failure to enact EU directives are driving France to enact biotech measures. Nevertheless, the opposition was open to measures allowing research in confined environments but were against open field testing and commercial production. By contrast, Senators from the majority political party (UMP, traditionally considered conservative) were open to research in open fields and commercial production. Centrist Senators were more hesitating to take firm positions one way or the other.

4. (U) In total, legislators presented 221 amendments to the bill.

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General Amendments:  
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The general amendments mentioned the precautionary principle in the text, requested an increase in the budget for public research on plant biotechnology, and banned commercial production of biotech crops and open-field testing and restricted research to confined environments.

5. (U) These amendments were all defeated. The Research Minister insisted that the Bill was under the umbrella of the precautionary principle, which provided the necessary guarantees to authorize open field testing and commercial production of biotech crops.

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Amendments Relative to Public Information:  
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¶16. (U) Some amendments called for the Biotechnology Council to increase communication. The Senate voted to form a Biotech Committee (in French, "Haut Conseil des Biotechnologies"), which would include a scientific and a socio-economic section. Members of the scientific section would have to declare their connections with biotech companies or organizations. The scientific section would be charged with evaluating biotech products prior to their authorization, while the socio-economic section would concentrate on the economic and social impacts of adopting a biotechnology.

¶17. (U) An amendment to create local committees to monitor biotech test plots at the community level and provide more public information was defeated. Instead, the Senate directed that the Biotech Committee should provide information on a national and local level to mayors of the communities where open field test plots are located.

¶18. (U) The Senate agreed to adopt measures to help avoid destructions of open field test plots. Note: Although belonging to a political group generally hostile to open field testing, the Senator who proposed this amendment is elected from the region where the leading French planting seed company (Limagrain) is located (Puy de Dome).

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Amendments on Coexistence:  
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¶19. (U) Coexistence liability measures passed by the Senate included a no-fault liability regime and a government-managed compensation pool funded by farmers' contributions (to be replaced by a private insurance regime after 5 years).

¶10. (U) Amendments requiring that the seed industry contribute to the coexistence liability compensation fund passed, however, no specific value for such contribution was indicated in the text adopted by the Senate.

¶11. (U) Senators rejected amendments banning GMOs from Appellation of Origin (AOC) regions. Many consider GMOs a threat to high quality logos like AOC and the European Geographical Indicators. The amendments were finally rejected because the Research Minister (1) said they would not comply with the European regulation; and (2) explained that the Institute in charge of Appellations of Origin (INAO) has the authority to recommend or require the absence of biotech products in the zones where AOC products are produced.

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Next Steps  
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¶12. (SBU) On March 23, the Senate, by a vote of 166 to 127, adopted a final text (the "Petite Loi"). Originally, the GOF had announced that the Parliament would use an emergency process to adopt the Biotech Bill so that both Chambers of the Parliament (Senate and National Assembly) would examine the Bill once, instead of twice, under the regular process.

¶13. (SBU) However, the French Government (GOF) backed down under pressure from anti-biotech activists and accepted two readings of the Bill by both Chambers. This means that the text adopted by the Senate will be presented to the National Assembly in the second half of May for a second reading. If necessary, the Senate will do a third reading in June and the National Assembly will have a final reading in September or October.

¶14. (SBU) Senator Jean Bizet, UMP (party of the majority, generally considered conservative and overall pro-biotech), the Senate rapporteur for the Biotech Bill, recently indicated to Ag Officials that his party will continue to try to accelerate the process. Their hope is that the National Assembly will adopt a version of the Bill similar to the Senate's and then no additional readings will be needed by the Chambers. Under this scenario, a Law could be adopted before the Parliamentary summer recess.

¶15. (SBU) Senator Bizet, though, admits that the vote in the National Assembly will be more difficult and controversial than the Senate. Of

interest, the rapporteur selected for the Biotech Bill in the National Assembly, Patrick Ollier, UMP, is not a biotech specialist, but is the President of the Economic Affairs Committee in the National Assembly. His nomination indicates that the GOF is making the biotech issue a political issue supported by the current political majority.

Stapleton